

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The specification has been amended to eliminate some minor obvious errors. No new matter whatsoever has been added.

The title has been amended and a Supplemental Application Data Sheet with the new title is enclosed herewith.

Applicant by his attorney herewith reiterates the claim to the priority of DE 103 53 187.4 and PCT/EP2004/052895 detailed in the original Oath/Declaration.

Enclosed herewith is a PTO-1449 identifying the art from the International Search Report or identified in the original application text. Incorrectly transcribed DE 42 44 173 is included. Where possible US equivalents have been cited.

The claims have been recited by two US-style claims that clearly recite the method of this invention and describe the article in a product-by-process claim.

The rejection on DE '180 of Hammerschmidt is incorrect. Below are close translations of claim 1 and 8 of this patent document:

1. A latex-free pile carpet with a textile backing layer, characterized in that the textile backing layer is anchored to the pile carpet by an intermediate fleece, the intermediate fleece comprising first thermoplastic or nonthermoplastic fibers and second thermoplastic fibers, when the first fibers are thermoplastic they have a higher melting point than the second thermoplastic fibers, the backing layer being made of first thermoplastic or nonthermoplastic fibers and second thermoplastic fibers, when the first fibers are thermoplastic fibers they have a higher melting point than the second thermoplastic fibers, and the second fibers are present in a proportion of 0-20% relative to the first fibers.

8. A method of making a latex-free pile carpet, characterized in that a second backing layer is hydrodynamically needled through the intermediate fleece with the pile and then thermally treated.

Thus the only teaching of Hammerschmidt is to fuse the intermediate layer after application of the backing layer. This is in sharp distinction to the system of this invention where

1. The intermediate layer is integrated with the carpet backing by hydrodynamic needling;
2. The needled-in intermediate layer is then fused;
3. A nonwoven is applied over the fused intermediate layer; and

4. The nonwoven is anchored to the fused intermediate layer and the carpet backing by a second hydrodynamic needling treatment.

Hammerschmidt instead compresses these four steps into two:

1. Needling together the second backing layer, the intermediate fusible layer, and the backing of the pile carpet; and
2. Heat treating and fusing the needled together three layers.

Thus Hammerschmidt clearly discloses a different process.

The considerable advantages of the somewhat more complex method of this invention are several.

First of all, the needling of the intermediate layer into the backing layer ensures that it does not just lie on the surface. Whether the intermediate layer is a powder, a loose layer of fibers or filaments, or a thin foil, it will be pushed into and integrated with the carpet backing. Thus when it is subsequently heated and fused, it will solidly lock the tufted yarns of the carpet to the backing.

Second, the securing of a nonwoven solely by hydrodynamic needling to the back of the fused layer ensures that the back face of the carpet has the desired cushioning and other properties that make it easy to install and sure to last. The fact that this nonwoven layer, whose primary function is to cushion the carpet,

whose backing layer is stiffened by the melted-in fused intermediate layer, on whatever substrate it is secured to.

There is nothing in Hammerschmidt to suggest fusing the intermediate layer before applying the nonwoven backing. Instead this reference only proposes fusing the nonwoven backing to the fusible intermediate layer. This process produces a carpet whose nonwoven backing is partly hardened and stiffened by the intermediate layer that permeates into it and is fused there.

The instant invention therefore uses a different method to produce a superior product. Nothing in Hammerschmidt or the other admitted prior art suggests the method and product of this invention. The §103 rejection is overcome, and all claims are allowable. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

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Enclosure:      Extension (one month)  
                 Marked Specification  
                 Clean Specification  
                 Substitute Abstract  
                 Supplemental Application Data Sheet  
                 PTO-1449